

Minutes of a Regular Meeting

Approved 9/23/04

Town of Los Altos Hills PLANNING COMMISSION

Thursday, August 12, 2004, 7:00 p.m.

Bullis School Multi-Purpose Room, 25890 Fremont Road

cc: Cassettes (1) #10-04

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Planning Commission regular meeting was called to order at 7:00 p.m. in the Bullis School Multi-Purpose Room.

Present: Chairman Kerns, Commissioners Mordo, Collins, Clow & Cottrell

Staff: Carl Cahill, Planning Director; Dave Ross, Acting City Engineer; Angelica Herrera Olivera, Assistant Planner; Lani Smith, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

- 3.1 LANDS OF HORTON, Chaparral Way Subdivision (77-04-MISC); Conditional Exception to Road Design Standards for maximum cut of 10' and fill of 8' allowed (up to 15' cut and up to 9' fill proposed). (staff-Angelica Herrera Olivera)

Staff provided an overview of the applicant's request for a conditional exception to road design standards for maximum cut and fill allowed by reviewing the staff report including the conditions of approval and the findings of approval. Mr. and Mrs. Mak have submitted a letter of concerns, addressing three points regarding the plans. With the Commissioners' approval, the three points can be added to the conditions of approval. Staff introduced Dave Ross, Acting City Engineer, to discuss the feasibility of alternate roadway designs.

Dave Ross stated that he and the Planning Director had walked the steep terrain to the top of the property and reviewed the different locations where the orange fence has been set to show where the curves were on the road and looked at each location to see if road alignment made sense in the proposed location. From the top of the hill, they noticed that the site was very visible from the road below and from the other side. His senior engineer with Mark Thomas & Co. also reviewed the plans. They all felt there may be some minor adjustments to be made when they get further into the final design of the road.

The Planning Director noted in condition #1, they are recommending that the driveway retaining walls associated with Lot 1 not be approved at this time but be reviewed at the time of site development with a new residence.

Chairman Kerns asked if the Fire Department had reviewed the plans and if so if a letter has been received from them. Staff responded YES. This was the reasoning behind the width of the cul-de-sac as it was originally proposed at 20 feet wide; enlarged to 24 feet wide because of the Fire Department recommendations. The Planning Director stated this also explains why Chaparral Way is subject to widening. With a combination of proper emergency access resulting in the loss of a number of trees within that new right of way. The recommendation for the staining of the concrete is a recommendation from staff as the roadway will be very visible for surrounding properties. It was noted that the road was approved with the original tentative map. The Commission already approved the road; they are only looking at the walls. The width of the road is being dictated primarily by emergency vehicle access concerns. Chairman Kerns asked if the Commission has the prerogative to change the width of the driveway? He reviewed the County Fire Department web site on roadway design where they actually call out 20 feet as their normal width for roadways with a 36 foot turning radius. He questioned why it is 24 feet going up the hill when the written specifications indicate a 20 feet width. The Planning Director felt they should consult with the Fire Department before recommending a reduction in width.

Commissioner Clow felt if there were specific places where a large heritage oak tree encroaches a foot or two they should be able to spare the tree by making an exception. The Planning Director stated it may be an option when reviewing the final design of the driveway.

OPENED PUBLIC HEARING

Mark Helton, Giuliani & Kull, project engineer, had several presentation boards to share with the Commission. He discussed the following: standard roadways; width of the road to be widened; working with the previous City Engineer; four foot staggered walls; typical wall planting; view of the wall with proposed landscaping; the concrete retaining wall; samples of stone facing to be used (not interlocking block); different alternate locations of the roadway after the approval of the tentative map. He further discussed the slope of the roadway which is typically 20% as required by the Fire Department. He did not discuss the width with the Fire Department. They did attempt to save as many trees as possible. He asked for some guidance regarding increasing the height of the walls to save some of the trees by using two 8' or 9' walls, eliminating the third wall. Walls that are not visible could be higher to meet the spirit of the Fire Department requirements. It could also be possible to have the road narrower in areas of trees, then increasing the width back to 20 feet.

Sandy Humphries, Environmental Design Committee, asked, as an alternative, if accessing the area from the Horton's existing residence was ever looked into? If you look on the map layout you see the emergency road that actually accesses all the properties. This would eliminate having to touch the drainage swale, removing the trees, etc. It was noted that it was looked into and declined by the property owners.

Jenny Mak, 26100 Moody Road, questioned the accuracy of the map as it indicates her driveway is on the Horton property. She questioned who was going to maintain the new landscape plantings and for how long. She asked to clarify the location of the fence/wall on the south side of Chaparral Way. On the physical location, it stated "nail on driveway" with the story pole (or orange net fence) at the south side of the road. On the Horton drawing, the fence/wall is the

continuation of the wooden wall on the Yanez property. Mr. Helton indicated that they will shift that portion of the roadway that encroaches, approximately 6 feet. Mrs. Mak asked if they have to put in a wall on the south side because if they do not they could make the road wider and can move the fence on the north side to prevent cutting down so many trees. They have been using 6 feet of the Yanez property for over 50 years asking why they have to put a wall in the middle of the driveway (why not use the pavement that is already there). She again referred to her letter regarding the loss of so many trees, the use of a water meter, and replacing trees with mature ones.

Russell Hirsch, 11880 Francement Drive, was very concerned with the proposed retaining wall which will be a considerable structure and visible by everyone driving down the road. He was puzzled by the process as there was a road approved for this site prior to anyone having a clear understanding of what was going to be needed from an engineering standpoint. He also felt the plan for screening the walls to be absurd since there is a significant problem with deer eating everything. The growth that they are contemplating over a three year period will not happen due to the deer. His understanding is that if it is a narrower road you potentially have to do less of a cut and have a lower wall. He felt the Town and the builders have a responsibility to not destroy the local environment. He wondered how what was being planned would be mitigated and executed.

Nancy Horton, applicant, provided a bit of history of the project stating that when Luis Yanez bought his property they met him right away to discuss their property and he discussed his property plans as well. Mr. Yanez stated that the Town told him he had to give 10 feet of his property (narrow portion) for Chaparral Way improvements. Mrs. Horton thought this was good as it would make for a nice road. Mrs. Horton shared this information with her engineer so the plans were designed with this information. Later she was told by Mr. Yanez that he was not giving 10 feet of his property as he talked the engineer at the time out of it. The Horton's worked with Mr. Yanez for a while and even considered a trade of land but he would not consider it. She noted that coming in from the top would be extremely invasive to their property and she would not consider this suggestion.

Sandy Humphries, Environmental Design Committee, pointed out that the trees on the site are large groves of Blue Oaks suggesting the Horton's consider building a new home on their new land down below and allowing the road to come above which would not damage the drainage or the oak trees.

CLOSED PUBLIC HEARING

Commissioner Mordo asked the Planning Director why he said that we have to agree on the variances as to the height of the wall and the cut and fill, etc. when another alternative exists (accessing the area from the Horton's existing residence). The Planning Director responded that the project is on this property. The fact that an adjoining property is owned by the same property owner does not compel that owner to then compromise the development on the other piece of property. What if they sold the property to another developer? The Town could not require this as a condition of approval. The retaining walls that will be visible are really in the lower section

of Chaparral Way. They would certainly want to confirm with the Fire Department that they would accept nothing less.

Commissioner Kerns felt they should contact the Fire Department regarding the required width as there are other roads in Town that serve a lot more properties than this does that are not this wide. He felt an exception could be made due to the trees. The present roadway is probably 12 feet wide. If they could reduce the proposed roadway to 16 feet, it would make a big difference (contingent on Fire Department approval).

Commissioner Clow clarified with the Planning Director that the driveway from the turn around to the top would be discussed as a separate item: Condition #1-"All proposed retaining walls associated with the driveway on Lot 1(on west side of cul-de-sac) shall be reviewed at the time of site development with a new residence". Commissioner Clow had spent hours with the Horton's looking at different alternatives noting that the applicants care deeply about the trees and preserving as many as possible. The motion should include guidance to staff to work with the applicants and their engineer if there is an opportunity to save a large oak tree with an encroachment or with retaining walls. An encroachment of 2' to 3' would be acceptable. Also, it would be helpful if there is an opportunity to work with Mr. Yanez regarding giving up his 10 feet.

Commissioner Collins felt the location is a reasonable solution to the property. Unfortunately, there will be some loss of trees. She agreed with Commissioner Kerns in that they should work with the Fire Department to reduce the width if it makes a significant difference in the height of the walls and possibly to save additional trees. She voiced appreciation to the Horton's regarding the offer of dedication of open space.

Commissioner Cottrell also felt the road is where it has to be. He was not clear on what the Fire Department rules are and felt there was some leeway to save a tree and/or reducing the height of the retaining wall by narrowing the roadway. He did not feel they should count on Mr. Yanez to change his decision. He felt it was proper to align the road where it belongs within the easement. Given that they have some flexibility, he can support this project.

Chairman Kerns, as stated earlier, felt they needed to contact the Fire Department. The County Fire Department web site indicates the different criteria for roadways and driveways, indicating for roadways, it states "20 feet minimum curb to curb paved width," not 24 feet. It also indicates that the outside turning radius is 36 feet. He felt that on the portion of Chaparral Way going up should be discussed with the Fire Department for a reduction to a 16 foot width rather than 20 feet. On the upper portion coming off of Chaparral Way, going up to the top, he would prefer no more than 20 feet rather than 24 feet.

Discussion ensued regarding the Fire Department's requirements for driveway width. The Planning Director and Acting City Engineer will meet with the Fire Department regarding minimum width possibilities. The Mak letter was reviewed regarding the use of mature trees somewhere between a 24" and 48" root ball size, with minimum standards regarding width and height. The Planning Director felt this could be worked out if the Commission understood that they would be requiring a mix of 24" and 48" root ball trees, one to one replacement (the 24"

root ball is usually a 10 foot height, 6 foot minimum width), half of the replacement trees at 24"; half at 48" (20 foot height, 10 foot width).

The issue of using a water meter was discussed. The Acting City Engineer, Dave Ross, stated you really want to get the trees established for a few years and then not water them. You can rely on the tree replacement plan to define the upkeep during the site development process. It was noted that a tree replacement plan is a mitigation measure for the tentative map of the subdivision. This is a requirement prior to the recordation of the final map. Normally, this is not reviewed by the Commission but administratively reviewed. If the applicants are agreeable, it can be reviewed by the Commission. It was felt that the tree replacement plan should be reviewed by the Planning Commission and at that time they can discuss landscape deposits.

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Commissioner Cottrell to recommend to the City Council approval of an exception to the road design standards for a maximum cut of 10 feet and fill of 8 feet allowed for this subdivision, Lands of Horton, Chaparral Way Subdivision, with the recommended conditions and findings, directing staff to work with the applicants and the Fire Department to see if the road width can be reduced, in the upper areas down to as little as 20 feet, and on the lower areas as little as 16 feet, giving staff the discretion to make a reasonable compromise with the Fire Department with the objective of saving trees and reducing the wall heights. Potential encroachment of trees or areas where the walls could be higher in some areas to allow and/or to accommodate large trees (limited areas) where not highly visible. The tree replacement plan will be reviewed by the Planning Commission with a recommendation that trees to be removed be replaced as recommended: half 24" root ball (10 foot height, 6 foot minimum width); half with 48" root ball (20 foot height, 10 foot width).

AYES: Chairman Kerns, Commissioners Collins, Mordo, Cottrell & Clow

NOES: None

This item will be scheduled for a City Council agenda.

- 3.2 LANDS OF CHO, 13389 Wildcrest Drive (111-04-ZP-SD-CDP-GD); A request for a Conditional Development Permit for a 4,468 square foot new residence (maximum height 26' 11"). (staff-Debbie Pedro)

This item was introduced by the Planning Director with an overview of the staff report. He felt the applicants have done an admirable job by getting the house to fit within the usable envelope, and meeting the setback and height requirements. They will be abandoning an existing driveway which was installed by the previous property owners. The only exception requested relates to the retaining walls needed to locate the house and driveway on the site.

OPENED PUBLIC HEARING

Michael Ma, project architect, was available for questions. He stated that even with the constraints they were able to work out the size of the house and height within the envelope and setbacks.

Commissioner Collins felt Mr. Ma had designed a house that really fits well on the site and fits into the character of the neighborhood in both size, scale and design.

Mr. Cho introduced himself and his wife.

CLOSED PUBLIC HEARING

The Commissioners were in agreement regarding the design and placement of the structure. Also, removing part of the old driveway will help in beautifying the area.

RE-OPENED PUBLIC HEARING

Michael Ma stated that there was a letter from the neighbors on Wildflower Lane indicating the applicants would not be able to use the road for their construction people. As they are making a request to connect to sewer and the line actually runs on Wildflower Lane, he asked if during the construction period, they can have access to the road; other times they can park elsewhere or use the old driveway that will be removed.

The Planning Director stated they can use the old driveway for parking construction vehicles although it would need to be removed prior to final.

CLOSED PUBLIC HEARING

MOTION SECONDED AND PASSED: Motion by Commissioner Cottrell and seconded by Commissioner Clow to approve the requested Conditional Development Permit for a new residence, subject to the recommended conditions and findings of approval, Lands of Cho, 13389 Wildcrest Drive.

AYES: Chairman Kerns, Commissioners Mordo, Collins, Cottrell & Clow
NOES: None

This approval is subject to a 23 day appeal period.

4. NEW BUSINESS-none

5. REPORT FROM THE CITY COUNCIL MEETING

- 5.1 Planning Commission Representative for August 5th –cancelled
- 5.2 Planning Commission Representative for August 19th – Commissioner Kerns
- 5.3 Planning Commission Representative for September 2nd -Commissioner Collins
- 5.4 Planning Commission Representative for September 16th – Commissioner Clow

6. APPROVAL OF MINUTES

6.1 Approval of July 22, 2004 minutes

PASSED BY CONSENSUS: To approve the July 22, 2004 minutes

7. REPORT FROM FAST TRACK MEETING-none

8. REPORT FROM SITE DEVELOPMENT MEETING- JULY 27, AUGUST 3, 2004

8.1 LANDS OF ASKARI, 13482 La Cresta Drive (189-03-ZP-SD); A request for a Site Development Permit for a circular driveway and patio (staff-Debbie Pedro). Approved with conditions.

8.2 LANDS OF DENUCCIO, 25991 Vinedo Lane (113-04-ZP-SD); A request for a Site Development Permit for a 244 square foot addition & remodel and driveway modification (staff-Debbie Pedro). Approved with conditions.

8.3 LANDS OF KAZIM & SONG, 12180 Kate Drive (125-04-ZP-SD); A request for a Site Development Permit for a 1,156 square foot basement (staff-Angelica Herrera Olivera). Approved with conditions.

8.4 LANDS OF FAULHABER, 12060 Kate Drive (43-04-ZP-SD); A request for a Site Development Permit for a 3,433 square foot pool, spa and decking and a 60 square foot pool equipment enclosure (staff-Angelica Herrera Olivera). Approved with conditions.

9. ADJOURNMENT

The meeting was adjourned by consensus at 8:36 p.m.

Respectfully submitted,

Lani Smith
Planning Secretary